

## **§671.5. Disposition of Violations Related to Possession of Wild Animals.**

(a) Any live bird or mammal that is (1) designated as a furbearer, game, nongame, fully protected, threatened, or endangered animal or is of a species native to California, and (2) possessed in violation of Fish and Game Code section 3005.5 or regulations adopted pursuant thereto, shall be seized by the department. An animal that is seized may be taken to another location by the department or seized in place.

(b) Any live wild animals brought person who, in violation of the provisions of the Fish and Game Code or regulations adopted pursuant thereto, brings into this state or transports or possesses transported or possessed within this state any live wild animal other than those specified in subdivision (a) in violation of the provisions of the Fish and Game Code or regulations adopted pursuant thereto may, upon written notice from an the enforcing officer inspecting them or discovering the violation, be authorized to exercise one of the following options within the time and by the method specified by the enforcing officer, to have the animal: shipped (1) transferred to an appropriately permitted facility, (2) transferred out of the state, returned to point of origin or (3) humanely destroyed, within the time specified in said notice, at the option of the owner or bailee. The exercise of any such option shall be under the direction and control of the enforcing officer and at the expense of the owner or possessor bailee. If the owner or possessor bailee fails to exercise such option within the time specified by the enforcing officer, in the notice, or to comply with the terms of a permit issued pursuant to Section 671.1, the department enforcing officer shall immediately thereafter seize the animal order the transfer of the animals to new owners or destroy the animals at the expense of the owner or bailee. An animal that is seized may be taken to another location by the enforcing officer or seized in place.

(c) Once an animal is seized pursuant to subsection (a) or (b), the enforcing officer may: (1) transfer the animal to an appropriate facility, (2) transfer the animal out of the state, (3) humanely destroy the animal, or (4) for animals specified in subsection (a) only, release the animal to the wild. Costs associated with the seizure, care, holding, transfer and destruction of the animal will, at the discretion of the department, be at the expense of the owner or possessor. Failure to pay these costs may result in an action for cost recovery and civil penalties pursuant to Fish and Game Code section 2125.

Note: Authority cited: Section 2122, Fish and Game Code. Reference: Sections 1002, 2116-2118, 2118.2, 2118.3, 2118.4, 2119-2155, 2185-2190, 3005.5, 3005.9 and 3005.92, Fish and Game Code.